

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2283**

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**Introduced by Assembly Member Portantino**

February 24, 2012

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An act to amend Sections 37, 39, 700, and 2089.4 of, *and to add Sections 26 and 700.5 to*, the Fish and Game Code, ~~and~~ to amend Section 12805 of the Government Code, relating to fish and game.

LEGISLATIVE COUNSEL'S DIGEST

AB 2283, as amended, Portantino. Fish and game.

Existing law establishes the Department of Fish and Game and sets forth the duties of that department.

This bill would rename the Department of Fish and Game the Department of Fish and Wildlife, and would make related changes. The bill would prohibit existing supplies, forms, insignias, signs, logos, uniforms, or emblems from being destroyed or changed as a result of changing the name of the Department of Fish and Game to the Department of Fish and Wildlife, and would require their continued use until exhausted or unserviceable.

*This bill would also provide that, on or after January 1, 2013, the Department of Fish and Wildlife may be referred to, where appropriate and as deemed by the Director of Fish and Wildlife, as CAL WILD. This bill would prohibit existing supplies, forms, insignias, signs, or logos from being destroyed or changed as a result of authorization to use CAL WILD, where appropriate, to refer to the Department of Fish and Wildlife, and would require their continued use until exhausted or unserviceable.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 26 is added to the Fish and Game Code,  
2     to read:  
3     26. "CAL WILD" means the Department of Fish and Wildlife.  
4     ~~SECTION 1.~~  
5     SEC. 2. Section 37 of the Fish and Game Code is amended to  
6     read:  
7     37. "Department" means the Department of Fish and Wildlife.  
8     ~~SEC. 2.~~  
9     SEC. 3. Section 39 of the Fish and Game Code is amended to  
10    read:  
11    39. "Director" means the Director of Fish and Wildlife.  
12    ~~SEC. 3.~~  
13    SEC. 4. Section 700 of the Fish and Game Code is amended  
14    to read:  
15    700. (a) There is in the Natural Resources Agency a  
16    Department of Fish and Wildlife administered through the director.  
17    (b) The Department of Fish and Wildlife shall succeed to, and  
18    is vested with, all the duties, powers, purposes, responsibilities,  
19    property, and jurisdiction previously vested in the Department of  
20    Fish and Game.  
21    (c) Whenever the term "Department of Fish and Game" appears  
22    in a law, the term means the "Department of Fish and Wildlife."  
23    (d) No existing supplies, forms, insignias, signs, logos, uniforms,  
24    or emblems shall be destroyed or changed as a result of changing  
25    the name of the Department of Fish and Game to the Department  
26    of Fish and Wildlife, and those materials shall continue to be used  
27    until exhausted or unserviceable.  
28    SEC. 5. Section 700.5 is added to the Fish and Game Code, to  
29    read:  
30    700.5. (a) Notwithstanding any other law, on or after January  
31    1, 2013, the Department of Fish and Wildlife may be referred to,  
32    where appropriate and as deemed by the director, as CAL WILD.  
33    (b) No existing supplies, forms, insignias, signs, or logos shall  
34    be destroyed or changed as a result of authorization to use CAL

1 *WILD, where appropriate, to refer to the department, and they*  
2 *shall continue to be used until exhausted or unservicable.*

3 ~~SEC. 4.~~

4 *SEC. 6.* Section 2089.4 of the Fish and Game Code is amended  
5 to read:

6 2089.4. As used in this article, the following definitions apply:

7 (a) “Agreement” means a state safe harbor agreement approved  
8 by the department pursuant to this article. “Agreement” includes  
9 an agreement with an individual landowner and a programmatic  
10 agreement.

11 (b) “Baseline conditions” means the existing estimated  
12 population size, the extent and quality of habitat, or both population  
13 size and the extent and quality of habitat, for the species on the  
14 land to be enrolled in the agreement that sustain seasonal or  
15 permanent use by the covered species. Baseline conditions shall  
16 be determined by the department, in consultation with the applicant,  
17 and shall be based on the best available science and objective  
18 scientific methodologies. For purposes of establishing baseline  
19 conditions, a qualified person that is not employed by the  
20 department may conduct habitat surveys, if that person has  
21 appropriate species expertise and has been approved by the  
22 department.

23 (c) “Department” means the Department of Fish and Wildlife,  
24 acting through its director or his or her designee.

25 (d) “Landowner” means any person or nonstate or federal entity  
26 or entities that lawfully hold any interest in land or water to which  
27 they are committing to implement the requirements of this article.

28 (e) “Management actions” means activities on the enrolled land  
29 or water that are reasonably expected by the department to provide  
30 a net benefit to the species or their habitat, or both.

31 (f) “Monitoring program” means a program established or  
32 approved by the department in accordance with subdivision (f) of  
33 Section 2089.6.

34 (g) “Net conservation benefit” means the cumulative benefits  
35 of the management activities identified in the agreement that  
36 provide for an increase in a species’ population or the enhancement,  
37 restoration, or maintenance of covered species’ suitable habitats  
38 within the enrolled property. Net conservation benefit shall take  
39 into account the length of the agreement, any offsetting adverse  
40 effects attributable to the incidental taking allowed by the

1 agreement, and other mutually agreed upon factors. Net  
2 conservation benefits shall be sufficient to contribute either directly  
3 or indirectly to the recovery of the covered species. These benefits  
4 include, but are not limited to, reducing fragmentation and  
5 increasing the connectivity of habitats, maintaining or increasing  
6 populations, enhancing and restoring habitats, and buffering  
7 protected areas.

8 (h) “Programmatic agreement” means a state safe harbor  
9 agreement issued to a governmental or nongovernmental program  
10 administrator. The program administrator for a programmatic  
11 agreement shall work with landowners and the department to  
12 implement the agreement. The program administrator and the  
13 department shall be responsible for ensuring compliance with the  
14 terms of the agreement.

15 (i) “Qualified person” means a person with species expertise  
16 who has been approved by the department.

17 (j) “Return to baseline” means, at the termination of an  
18 agreement, activities undertaken by the landowner to return the  
19 species population or extent or quality of habitat to baseline,  
20 excluding catastrophic events such as floods, unplanned fires, or  
21 earthquakes, and other factors mutually agreed upon prior to permit  
22 issuance and that are beyond the control of the landowner.

23 ~~SEC. 5.~~

24 *SEC. 7.* Section 12805 of the Government Code is amended  
25 to read:

26 12805. (a) The Resources Agency is hereby renamed the  
27 Natural Resources Agency. The Natural Resources Agency consists  
28 of the departments of Forestry and Fire Protection, Conservation,  
29 Fish and Wildlife, Boating and Waterways, Parks and Recreation,  
30 Resources Recycling and Recovery, and Water Resources; the  
31 State Lands Commission; the Colorado River Board; the San  
32 Francisco Bay Conservation and Development Commission; the  
33 Central Valley Flood Protection Board; the Energy Resources  
34 Conservation and Development Commission; the Wildlife  
35 Conservation Board; the Delta Protection Commission; the Native  
36 American Heritage Commission; the California Conservation  
37 Corps; the California Coastal Commission; the State Coastal  
38 Conservancy; the California Tahoe Conservancy; the Santa Monica  
39 Mountains Conservancy; the Coachella Valley Mountains  
40 Conservancy; the San Joaquin River Conservancy; the San Gabriel

1 and Lower Los Angeles Rivers and Mountains Conservancy; the  
2 Baldwin Hills Conservancy; the San Diego River Conservancy;  
3 and the Sierra Nevada Conservancy.

4 (b) No existing supplies, forms, insignias, signs, or logos shall  
5 be destroyed or changed as a result of changing the name of the  
6 Resources Agency to the Natural Resources Agency, and those  
7 materials shall continue to be used until exhausted or unserviceable.

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